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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/827,311

04/20/2004

Nobuyuki Moriyama

042348

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7590

06/12/2006

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EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,311	<b>Applicant(s)</b> MORIYAMA ET AL.	
	<b>Examiner</b> Shelley Self	<b>Art Unit</b> 3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/04; 5/04; 4/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of the invention of Group II (clms. 4-8) in the reply filed on April 25, 2006 is acknowledged.

Claims 1-3 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on April 25, 2006.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract **exceeds 150 words**. Appropriate correction is required.

Additionally, regarding the Abstract, line 1, "*for centering a log allow a optimum...*" is not grammatically correct, Examiner suggests, **--for centering a log allows an optimum...--**

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The disclosure is objected to because of the following informalities:

-Pg. 5, line 19 "*form*" should be ~~from~~—

-Pg. 11, line 9, "*designate*" should be ~~designates~~—

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 4, the recitation, "the detection direction of distance detectors" does not have sufficient antecedent basis. For example, because both a rotation angle detector and beam reflection scanners are positively recited, it is not clear what, "*the detection direction of distance detectors*" refers to, i.e. the distance of the rotation angle detector or the distance of the beam scanners. Likewise, the recitation, "each detection member" does not have sufficient antecedent basis within the claim, i.e., which detection member, does "each detection member" refer to? *Rotation angle detector? Distance detector? Contact-swinging detection members?* Further, what are "the distance detectors" referred to in lines 24 and 27 of claim 4?

Regarding claims 7 and 8, there is insufficient antecedent basis for the recitation, "*the detection members*" as several detection members are recited within the parent claim, it is unclear which detection member is being referred to with the recitation, "the detection members.

All claims should be reviewed for clarity, definiteness and antecedent basis concerns.

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Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-8 as best as can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Mutsuura et al. (5,582,224). Mutsuura discloses an apparatus for centering a log comprising a pair of rotating axles (col. 1, lines 41-43; col. 14, lines 10-11) disposed on either end face of a log (1) that is supplied to predetermined preliminary axis location, said rotating axles being adapted such that they can be brought closer to and away from each other (col. 1, lines 41-43) with at least one of the axles being rotated: a rotation angle detector (56; col. 1, lines 43-46); beam reflection scanners (fig. 19) disposed at a plurality of desired positions along the axis of the log and near the periphery of the log such that a detection direction is oriented toward the axis of the axles; contact swinging detection members (61) disposed in a plurality of sections along the axis of the log (fig. 15, 19, 24), each member comprising a base portion pivotally supported by a support axle positioned near the periphery of the log (58, 61A, 61) and a tip portion to which a detection element (59; fig. 16) is attached such that the detection elements are arranged along the axis of the log (fig. 15, 19, 24) without any gaps therebetween and are adapted to be in contact with the periphery of the log (col. 9, lines 31-35); a plurality of swing angle detectors (62A); and a centering computation mechanism (col. 14, lines 26-33; col. 15,

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lines 1-24) for calculating optimum yield axis based on a detection signal supplied from the rotation angle detectors and contour data supplied from the contact swinging detection members (col. 1, lines 55-65).

With regard to claim 5 as best as can be understood, Mutsuura discloses wherein the beam reflection scanners are disposed at at least two positions near either end portion of the log (col. 2, lines 1-7, lines 32-36).

With regard to claim 6 as best as can be understood, Mutsuura discloses wherein the beam reflection scanner is additionally disposed at one position near a center portion of the log (col. 2, lines 1-7, lines 32-36).

With regard to claims 7 and 8 as best as can be understood, Mutsuura discloses detection members as planar or cylindrical (col. 17, lines 31-49).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

May 31, 2006